

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JON LAURENCE MARTIN,
Plaintiff,

VS.

THOMAS R. COLLIER, et al.,
Defendants.

Case No. 2:11-cv-00320-LRH-GWF

ORDER

Motion to Compel Vocational Assessment (#43)

This matter comes before the Court on Defendant's Motion to Compel Vocational Assessment (#43), filed on March 14, 2012; Plaintiff's Response to Motion to Compel (#47), filed on March 30, 2012; and Defendant's Reply to Response (#49), filed on April 5, 2012. The Court previously ordered the disclosure of Plaintiff's redacted mental health records, finding that the records are relevant and discoverable based on Plaintiff's claim for lost wages and earning capacity. On March 16, 2012, Plaintiff filed an Objection to Disclosure of the Mental Health Records (#44), informing the Court that Plaintiff intends to withdraw his claim for lost wages and earning capacity. On April 12, 2012, the Court granted the Stipulation for Dismissal/Withdrawal of Plaintiff's Lost Wages and Lost Earning Capacity (#48). Because Plaintiff is no longer asserting a claim for lost wages and earning capacity, the parties agree that Defendants' Motion to Compel Vocational Expert is moot.

Defendants now request disclosure of the non-mental health medical records from Apex Medical dated February 28, 2012. These records, containing both mental health records and non-mental health records, were not previously disclosed to Defendants in light of Plaintiff's Objection ...

1 to Disclosure. The Court finds that the non-mental health medical records are relevant to the
2 remaining claims and should be disclosed to Defendants.

3 The Court will therefore allow disclosure of Plaintiff's non-mental health records from
4 Apex Medical Center. Because the mental health records are easily distinguishable from the non-
5 mental health records, no redactions are necessary. Defendants' counsel shall make arrangements
6 to pick up from chambers a copy of the non-mental health records from Apex Medical Center. On
7 March 7, 2012, Plaintiff picked up from chambers a copy of the redacted and unredacted medical
8 records from Apex Medical. If Plaintiff wishes to receive a copy of the non-mental health records
9 released to Defendants, Plaintiff can likewise make arrangements to pick up from chambers a copy
10 of those records. Accordingly,

11 **IT IS HEREBY ORDERED** that Defendant's Motion to Compel Vocational Assessment
12 (#43) is **denied** as moot.

13 **IT IS FURTHER ORDERED** that counsel for Defendants and counsel for Plaintiff can
14 make arrangements to pick up from chambers a copy of the non-mental health records from Apex
15 Medical Center.

16 DATED this 24th day of April, 2012.

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19 GEORGE FOLEY, JR.
20 United States Magistrate Judge
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